

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)
480062.799D1

First Named Inventor: Kevin Girard Conwell

Art Unit: 3772

Application Number: 10/811,732

Examiner: Camtu Tran Nguyen

Filed: March 29, 2004

Title: UV CURING MODULE FOR LABEL PRINTER

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

- ☐ Small entity - fee \$ _____ (37 CFR 1.17(l)). Applicant claims small entity status.
See 37 CFR 1.27.
- ☒ Other than small entity - fee \$ 510.00 (37 CFR 1.17(l)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (identify the type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee of \$ _____

- ☐ has been filed previously on _____.
- ☐ is enclosed herewith.

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3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

/Frank Abramonte/
Signature

March 4, 2008
Date

Frank Abramonte
Typed or printed name

38,066
Registration Number, if applicable

701 Fifth Avenue, Suite 5400
Address

(206) 622-4900
Telephone Number

Seattle, WA 98104
Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unavoidable delay

☒ Substitute Specification; Redlined Substitute Specification; Replacement Drawings (2 sheets); Fee Deficiency Authorization Form

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date

Signature

Typed or printed name of person signing certificate

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NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

/Frank Abramonte/
Signature

March 4, 2008
Date

Frank Abramonte
Typed or printed name

38,066
Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

On March 8, 2007, I electronically filed a Revocation and Substitute Power of Attorney executed by the Vice President of the assignee, along with a Statement Under 37 CFR 3.73(b). The Substitute Power of Attorney appointed the practitioners associated with Customer Number 35234 as attorney/agents of record, and indicated that the correspondence address associated with Customer Number 35243 should be used on all correspondence for the subject application. I received a Receipt indicating that the Revocation and Substitute Power of Attorney and Statement Under 37 CFR 3.73(b) were received by the U.S. Patent Office, along with an Information Disclosure Statement that was electronically filed therewith. These papers as filed are available on PAIR.

As part of an audit of files, I was informed late on Friday afternoon, February 29, 2008, that PAIR indicated that the subject application had gone abandoned. I checked PAIR and noted that an Office Action had been mailed on June 11, 2007. The Office Action was mailed to the previous correspondence address, that is the address of the counsel whose authority was revoked by the Revocation and Substitute Power of Attorney.

I have not received any indication of the existence of the June 11, 2007 Office Action from the Patent Office or the prior counsel. After diligent inquiry, I confirm that the assignee has not received any indication of the existence of the June 11, 2007 Office Action from the Patent Office or the prior counsel.

On Monday, March 3, 2008, I left voicemail messages for the Examiner at the telephone number listed in the Office Action and for the Examiner's supervisor. On March 3, 2008, I began preparing a response to the Office Action, including preparation of replacement drawings, required by the Office Action.

On Tuesday, March 4, 2008, I prepared this Petition to Revive. I also reviewed and revised the response to the Office Action.

Assignee and their counsel took all precautions, timely filing a Revocation and Substitute Power of Attorney, checking the receipt acknowledging such filing, and following routine audit procedures. Applicants immediately prepared and filed a response and this Petition upon learning of the abandonment. Thus, the entire delay in filing the required reply from the due date for the reply until the filing of this grantable petition under 37 C.F.R. 1.137(a) was unavoidable by the assignee and its attorneys of record.

(Please attach additional sheets if additional space is needed.)